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CONCEPCIÓN E. LOZANO-BATISTA, Bar No. 227227
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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

THE BOARD OF TRUSTEES of the) No. C 08 01067 CW
CARPENTERS HEALTH AND WELFARE)
TRUST FUND FOR CALIFORNIA;)
CARPENTERS VACATION-HOLIDAY TRUST)
FUND FOR NORTHERN CALIFORNIA;)
CARPENTERS PENSION TRUST FUND FOR) **DECLARATION OF CONCEPCIÓN**
NORTHERN CALIFORNIA; CARPENTERS) **E. LOZANO-BATISTA IN SUPPORT**
ANNUITY TRUST FUND FOR NORTHERN) **OF REQUEST FOR ENTRY OF**
CALIFORNIA; and CARPENTERS TRAINING) **DEFAULT**
TRUST FUND FOR NORTHERN)
CALIFORNIA, and CARPENTERS 46)
NORTHERN CALIFORNIA COUNTIES)
CONFERENCE BOARD for itself and on behalf)
of NORTHERN CALIFORNIA CARPENTERS)
REGIONAL COUNCIL and CARPENTERS)
UNION LOCAL NO. 22)

Plaintiffs,

v.

SAUL M. CRUZ, Individually; SAUL M. CRUZ,)
Individually and doing business as SMC)
MODULAR INSTALLATION; MAGDALENA)
L. CRUZ, Individually; MAGDALENA L.)
CRUZ, Individually and doing business as SMC)
MODULAR INSTALLATION; SMC)
MODULAR INSTALLATION; Does 1 through)
10, inclusive)

Defendants.

DECLARATION OF CONCEPCIÓN E. LOZANO-BATISTA IN SUPPORT OF REQUEST FOR ENTRY OF
DEFAULT
Case No. C 08 01067 CW

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2 I, Concepción E. Lozano-Batista, declare as follows:

3 1. I am an associate in the law firm of Weinberg, Roger & Rosenfeld, located at 1001
4 Marina Village Parkway, Suite 200, Alameda, CA 941501-1091, the attorneys for Plaintiffs in this
5 matter. I have knowledge of the facts stated in this Declaration and I could and would testify
6 competently thereto.

7 2. Defendants SAUL M. CRUZ, Individually; SAUL M. CRUZ, Individually and
8 doing business as SMC MODULAR INSTALLATION; MAGDALENA L. CRUZ, Individually;
9 and MAGDALENA L. CRUZ, Individually and doing business as SMC MODULAR
10 INSTALLATION; SMC MODULAR INSTALLATION, have not filed an answer or otherwise
11 responded to the complaints, which were served on the parties on February 26, 2008, and for which
12 proofs of service were filed before this Court with the Summons on March 4, 2008.

13 I declare under penalty of perjury that the foregoing is true and correct.

14 Dated: March 27, 2008

15 WEINBERG, ROGER & ROSENFELD
16 A Professional Corporation

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18 By: /s/
19 CONCEPCIÓN E. LOZANO-BATISTA

20 118076/488554
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PROOF OF SERVICE

I am a citizen of the United States, and a resident of the State of California. I am over the age of eighteen years, and not a party to the within action. My business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On March 27, 2008, I served upon the following parties in this action:

SMC Modular Installation
77 Anderson Street
San Francisco, CA 94110

Magdalena L. Cruz, Individually and
doing business as SMC Modular
Installation
77 Anderson Street
San Francisco, CA 94110

Magdalena L. Cruz, Individually
77 Anderson Street
San Francisco, CA 94110

Saul M. Cruz, Individually and doing
business as SMC Modular Installation
77 Anderson Street
San Francisco, CA 94110

Saul M. Cruz, Individually
77 Anderson Street
San Francisco, CA 94110

copies of the document(s) described as:

DECLARATION OF CONCEPCIÓN E. LOZANO-BATISTA IN SUPPORT OF REQUEST FOR ENTRY OF DEFAULT

☒ **BY MAIL** I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.

☐ **BY PERSONAL SERVICE** I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused the same to be delivered by hand to the offices of each addressee.

☐ **BY FACSIMILE** I caused to be transmitted each document listed herein via the fax number(s) listed above or on the attached service list.

I certify that the above is true and correct. Executed at Alameda, California, on March 27, 2008.

//s// _____
Karen Scott

118076/488554